

# OCCUPATIONAL THERAPY PRACTICE ACT

## Part 1 - General Provisions

### 58-42a-101. Title.

This chapter is known as the "Occupational Therapy Practice Act."

### 58-42a-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Assessment" means the use of skilled observation or evaluation by administering and interpreting standardized or nonstandardized tests and measurements to identify areas for occupational therapy services.
- (2) "Board" means the Occupational Therapy Board created in Section 58-42a-201.
- (3) "Certified occupational therapy assistant" or "COTA" means a person certified as a certified occupational therapy assistant by the National Board for Certification in Occupational Therapy.
- (4) "Individual treatment plan" includes:
  - (a) planning and directing specific exercises and programs to improve sensory integration and motor functioning at the level of performance neurologically appropriate for the individual's stage of development;
  - (b) establishing a program of instruction to teach a patient in skills, behaviors, and attitudes necessary for the patient's independent productive, emotional, and social functioning;
  - (c) analyzing, selecting, and adapting functional exercises to achieve and maintain the patient's optimal functioning in daily living tasks and to prevent further disability; and
  - (d) planning and directing specific programs to evaluate and enhance perceptual, motor, and cognitive skills.
- (5) "Occupational therapist" or "OT" means a person licensed in the state to practice occupational therapy.
- (6) "Occupational therapist registered" or "OTR" means a person certified as an occupational therapist registered by the National Board for Certification in Occupational Therapy.
- (7) "Occupational therapy" means the use of purposeful activity or occupational therapy interventions to develop or restore the highest possible level of independence of an individual who is limited by a physical injury or illness, a dysfunctional condition, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or learning disability, or an adverse environmental condition.
- (8) "Occupational therapy assistant" or "OTA" means a person licensed in the state to practice occupational therapy under the supervision of an occupational therapist as set forth in Section 58-42a-306.
- (9) "Occupational therapy services" include:
  - (a) assessing, treating, educating, or consulting with an individual, family, or other persons;
  - (b) developing, improving, or restoring an individual's daily living skills, work readiness, work performance, play skills, or leisure capacities, or enhancing an individual's educational performance skills;
  - (c) developing, improving, or restoring an individual's sensory-motor, oral-motor, perceptual, or neuromuscular functioning, or the individual's range of motion;
  - (d) developing, improving, or restoring the individual's emotional, motivational, cognitive, or psychosocial components of performance;
  - (e) assessing the need for and recommending, developing, adapting, designing, or fabricating splints or assistive technology devices for individuals;
  - (f) training individuals in the use of rehabilitative or assistive technology devices such as selected orthotic or prosthetic devices;
  - (g) applying physical agent modalities as an adjunct to or in preparation for purposeful activity;
  - (h) applying the use of ergonomic principles; and
  - (i) adapting or modifying environments and processes to enhance or promote the functional performance, health, and wellness of individuals.
- (10) "Practice of occupational therapy" means rendering or offering to render occupational therapy services to individuals, groups, agencies, organizations, industries, or the public.
- (11) "Unprofessional conduct" is as defined in Section 58-42a-501.

## **Part 2 - Board**

### **58-42a-201. Board.**

- (1) There is created the Occupational Therapy Licensing Board consisting of three licensed occupational therapists, one licensed occupational therapy assistant, and one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203, and in addition, the board shall:
  - (a) designate one of its members on a permanent or rotating basis to assist the division in reviewing complaints concerning the unlawful or unprofessional practice of occupational therapy and to advise the division with respect to these complaints; and
  - (b) disqualify any member of the board from participating as a member of the board in its capacity as a presiding officer in any administrative procedure in which that member has reviewed the complaint or advised the division.

## **Part 3 - Licensing**

### **58-42a-301. Licensure required - License classification.**

- (1) A license is required to engage in the practice of occupational therapy, except as specifically provided in Sections 58-1-307 or 58-42a-304.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of:
  - (a) occupational therapist; or
  - (b) occupational therapy assistant
- (3) Nothing in this chapter shall permit an individual licensed under this chapter to engage in the practice of mental health therapy.

### **58-42a-302. Qualifications for licensure.**

- (1) All applicants for licensure as an occupational therapist shall:
  - (a) submit an application in a form as prescribed by the division;
  - (b) pay a fee as determined by the department under Section 63-38-3.2;
  - (c) be of good moral character as it relates the functions and responsibilities of the practice of occupational therapy;
  - (d) graduate with a bachelors or graduate degree in occupational therapy from a program accredited by the Accreditation Council for Occupational Therapy Education; and
  - (e) be certified by the National Board for Certification in Occupational Therapy as an occupational therapist registered.
- (2) All applicants for licensure as an occupational therapist assistant shall:
  - (a) submit an application in a form as prescribed by the division;
  - (b) pay a fee as determined by the department under Section 63-38-3.2;
  - (c) be of good moral character as it relates to the functions and responsibilities of the practice of occupational therapy;
  - (d) graduate with a two-year associate degree in occupational therapy from a program accredited by the Accreditation Council for Occupational Therapy Education; and
  - (e) be certified by the National Board for Certification in Occupational Therapy as a certified occupational therapist assistant.

### **58-42a-303. Term of license - Expiration - Renewal.**

- (1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.;

### **58-42a-304. Exemptions from licensure.**

In addition to the exemptions from licensure in Section 58-1-307, a person who performs activities that are repetitive and routine in nature and that do not require specific skills or knowledge may engage in acts or practices included within the definition of the practice of occupational therapy under general supervision of an occupational therapist as defined by rule, without being licensed under this chapter.

**58-42a-305. Limitation upon occupational therapy services provided by an occupational therapist assistant.**

- (1) An occupational therapist assistant shall perform occupational therapy services under the supervision of an occupational therapist as set forth in Section 58-42a-306.
- (2)
  - (a) An occupational therapist assistant may not write an individual treatment plan or approve or cosign modifications to a treatment plan.
  - (b) An occupational therapist assistant may contribute to and maintain a treatment plan.

**58-42a-306. Supervision requirements.**

The supervising occupational therapist shall perform the following functions:

- (1) write or contribute to an individual treatment plan;
- (2) approve and cosign on all modifications to the treatment plan;
- (3) perform an assessment of the patient before referring the patient to a supervised occupational therapist assistant for treatment;
- (4) meet face to face with the supervised occupational therapist assistant as often as necessary but at least once every two weeks, to adequately provide consultation, advice, training, and direction;
- (5) meet with each patient who has been referred to a supervised occupational therapist assistant at least once each month, unless otherwise approved by the division in collaboration with the board, to further assess the patient, evaluate the treatment, and modify the individual's treatment plan;
- (6) limit supervision to not more than two occupational therapist assistants unless otherwise approved by the division in collaboration with the board; and
- (7) remain responsible for patient treatment provided by the occupational therapist assistant.

**Part 4 - License Denial and Discipline**

**58-42a-401. Denial of license - Discipline.**

The division may refuse to issue a license to an applicant, refuse to renew the license of a licensee, revoke, suspend, restrict, or place on probation the license of a licensee, issue a public or private reprimand to a licensee, and issue a cease and desist order under the grounds specified in Section 58-1-401.

**Part 5 - Unprofessional Conduct**

**58-42a-501. Unprofessional conduct.**

"Unprofessional conduct," as defined in Section 58-1-501 and as may be further defined by rule, includes:

- (1) failing to develop, maintain, or contribute to a written individual treatment plan for each patient;
- (2) failing as an occupational therapist supervisor to provide supervision as set forth in Section 58-421-306;
- (3) failing to report known unprofessional or unlawful conduct of persons licensed under this chapter;
- (4) submitting billing statements to receive payment for occupational therapy services not performed by the occupational therapist or the supervised occupational therapist assistant;
- (5) falsifying individual treatment plans; and
- (6) failing to consult with the attending physician and coordinate care of a patient or client who is in active, recent treatment, as defined by rule, by that physician for the same condition.

# **OCCUPATIONAL THERAPY PRACTICE ACT**

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